



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,771	06/20/2003	Jessica E. LeMay	460.2174USU	7298

7590 06/08/2009  
Charles N.J. Ruggiero, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
10th Floor  
One Landmark Square  
Stamford, CT 06901-2682

EXAMINER
----------

ZALUKAEVA, TATYANA

ART UNIT	PAPER NUMBER
----------	--------------

3761

MAIL DATE	DELIVERY MODE
-----------	---------------

06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte:* JESSICA E. LEMAY, KATHRYN G. BENNETT, KEITH  
EDGETT, DANE R. JACKSON, JAMSHID REJAI

---

Appeal No. 2008-004786  
Application 10/601,771  
Technology Center 1600

---

Mailed: June 8, 2009

---

Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

---

This application was electronically received by the Board of Patent Appeals and Interferences on July 7, 2008. Upon review of the application, it has been determined that a remand to Examiner, via the Office of the

Director of the Technology Center, is necessary to consider the following issues and to take necessary corrective action.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on April 16, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- 1) consider the Reply Brief filed April 16, 2007, as indicated above;
- and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/bar

CHARLES N.J. RUGGIERO, ESQ.  
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.  
10TH FLOOR  
ONE LANDMARK SQUARE  
STAMFORD CT 06901-2682